

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rachel Brash	Team: Team # 6	CCRB Case #: 200007493	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 10/04/2000 8:00 PM	Location of Incident: § 87(2)(b)	Precinct: 113	18 Mo. SOL 4/4/2002	EO SOL 4/4/2002	
Date/Time CV Reported Tue, 10/24/2000 3:07 AM	CV Reported At: IAB	How CV Reported: Mail	Date/Time Received at CCRB Sat, 10/28/2000 10:11 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT Michael Schoonmaker	04607	888328	113 PCT
2. POM Donald Abrams	10343	921890	113 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT John Dorst	03611	876303	113 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Donald Abrams	Off. Language: PO Donald Abrams made remarks to § 87(2)(b) based upon race.	§ 87(2)(b)
B.SGT Michael Schoonmaker	Force: Sgt. Michael Schoonmaker used physical force against § 87(2)(b)	§ 87(2)(b)
C.SGT Michael Schoonmaker	Abuse: Sgt. Michael Schoonmaker threatened to arrest § 87(2)(b)	§ 87(2)(b)

Synopsis

At about 8:00 PM on October 4, 2000, officers arrived at a Jamaica, Queens, restaurant owned by complainant § 87(2)(b) in response to a 911 call about a sick employee. § 87(2)(b) alleged that the first officer to arrive, PO Abrams, who is white, walked into the restaurant and, in asking to see the sick employee, referred to § 87(2)(b) who is black, as “my man,” which § 87(2)(b) felt was a racially motivated statement. When § 87(2)(b) called 911 for a supervisor, Sgt. Schoonmaker responded and allegedly bumped his shoulder into § 87(2)(b) an action § 87(2)(b) felt was meant to provoke him. The sergeant went on to threaten to arrest § 87(2)(b), § 87(2)(b), § 87(2)(g) § 87(2)(b) was offered mediation when interviewed in person but declined.

Summary of Complaint

In an October 10, 2000, letter sent to IAB and forwarded to the CCRB on October 28, 2000 (Enc. 3), § 87(2)(b)'s lawyer § 87(2)(b) said that § 87(2)(b) a § 87(2)(b) who also runs § 87(2)(b) a take-out restaurant on § 87(2)(b) in Jamaica, called 911 at 8:00 PM on October 4 because an employee was complaining of dizziness and nausea. Ten to 15 minutes later, PO Abrams arrived and asked, “Is there a problem here?” which § 87(2)(b) took to be unprofessional. § 87(2)(b) told PO Abrams that he had a sick worker and that an ambulance was on its way. PO Abrams then said, “I have to see her, my man.” Taking the comment to be racially motivated, § 87(2)(b) asked PO Abrams to leave the restaurant; PO Abrams replied, “I’m not going anywhere, my man.” He also said, apparently referring to § 87(2)(b)'s § 87(2)(b) uniform, “Uniformed or not, you people are all alike.” Shortly, Sgt. Schoonmaker arrived and bumped his shoulder into § 87(2)(b)'s chest, in a perceived effort to provoke § 87(2)(b). Sgt. Schoonmaker then said, “I did that to see if you were going to stop me from going into the kitchen.” Sgt. Schoonmaker then asked if § 87(2)(b) was a corrections officer and to see his shield and ID card. He asked if § 87(2)(b) was armed and announced that he was going to “lock up” § 87(2)(b). Soon thereafter, Sgt. Dorst arrived, directed Sgt. Schoonmaker outside, and listened politely as § 87(2)(b) told him what had happened.

In his November 14, 2000, CCRB interview, § 87(2)(b) provided a similar, though more detailed, account of the incident. He said that on the evening of October 4, 2000, he returned from his job at Rikers Island to the restaurant he owns and runs with his wife. He was still wearing his uniform pants and shoes but had changed shirts. When his employee Molly Mhlanga became dizzy and weak (she turned out to be pregnant), § 87(2)(b) called 911. A few minutes later, PO Abrams arrived and approached the plastic partition in front of the cash register and the store. Through the window, PO Abrams asked if there was a problem and § 87(2)(b) explained he had a sick employee. PO Abrams replied, “I have to see the employee, my man.” “Excuse me?” asked § 87(2)(b). PO Abrams repeated his statement, including the “my man.” Offended, § 87(2)(b) looked at the officer’s shield and said, “Officer Abrams, my name is not “my man.” If you don’t know my name, I’m either ‘sir’ or ‘mister.’” PO Abrams replied, “Yeah, whatever, my man. I have to see her.” § 87(2)(b) told PO Abrams he wasn’t going to let him see the sick worker and told the officer to leave the restaurant. When the officer said he wasn’t going anywhere, § 87(2)(b) called 911 to ask for a supervisor. While waiting for the supervisor, PO Abrams leaned toward the window and said to § 87(2)(b) “Uniformed or not, you people are all the same.” § 87(2)(b) believed that his wife, standing nearby him during the entire conversation, heard all the offensive comments.

After a few minutes, Sgt. Schoonmaker walked in with with a female and male uniformed officer who remained in the restaurant only briefly. After Sgt. Schoonmaker spoke with PO Abrams near the door of the long, narrow restaurant, he walked toward the door to the kitchen, at the back of the store, where § 87(2)(b) was then standing, about 20 to 25 feet from the front door. Sgt. Schoonmaker put his chest to § 87(2)(b)'s chest, stood still, and asked if there was a problem. Thinking the sergeant might be about to hit him, § 87(2)(b) braced himself with his back foot and said there was a problem. Sgt. Schoonmaker then said, “Let me tell you something. When my officer comes, you do whatever he tells you.” The sergeant then bumped his shoulder into the left side of § 87(2)(b)'s chest and walked past § 87(2)(b) into the kitchen. The blow did not hurt, but § 87(2)(b) felt certain it was intentional. A half step past § 87(2)(b) Sgt. Schoonmaker turned and said he’d struck him to see if § 87(2)(b) would prevent him from going into the kitchen. The sergeant continued into the kitchen, then returned to the front of the restaurant and asked

§ 87(2)(b) if he was a corrections officer. § 87(2)(b) said he was, and Sgt. Schoonmaker announced, "I'm locking you up." When § 87(2)(b) asked what he was being arrested for, the sergeant asked for his ID card and shield. § 87(2)(b) said he wouldn't provide him those but that he would give him some other type of ID. The sergeant then asked for § 87(2)(b)'s gun, and § 87(2)(b) refused. Both men were speaking loudly, and one of the EMS workers yelled for them to be quiet. Sgt. Schoonmaker repeated that he was arresting § 87(2)(b). After Sgt. Schoonmaker made a call—to another sergeant, thought § 87(2)(b) he repeated that he was going to take § 87(2)(b) to the precinct. A few minutes later, another sergeant whom § 87(2)(b) recognized from the neighborhood arrived and, after speaking to Sgt. Schoonmaker and PO Abrams, introduced himself as Sgt. Dorst and walked with § 87(2)(b) to the back of the restaurant, where they spoke quietly. PO Abrams and Sgt. Schoonmaker left the store and § 87(2)(b) did not see them again. Sgt. Dorst listened to the story patiently, and while defending the officers' actions, seemed to apologize.

After Sgt. Dorst and Sgt. Schoonmaker were interviewed and stated that two parking summonses had been issued by PO Abrams to § 87(2)(b) earlier in the evening of the incident and that there was a heated discussion between Sgt. Schoonmaker and § 87(2)(b) about the summonses, § 87(2)(b) was questioned about them. On February 2, 2001, he said the summonses issued by PO Abrams had "absolutely not" come up in the conversation with any of the officers that night. He did confirm that he (in fact the car is registered to his wife, § 87(2)(b)) had been issued two for parking at an expired meter. He had watched PO Abrams place them on the windshield of his car, which was parked almost in front of the store. § 87(2)(b) was outside when one of them was issued. At that time, PO Abrams did not ask for any ID or seem to know that § 87(2)(b) was the car's owner.

Results of Investigation

§ 87(2)(b) said that his wife and two employees, § 87(2)(b) and § 87(2)(b) witnessed much of the incident. Although he promised to have all three contact the CCRB, he did not have them call and did not respond to repeated requests for their contact information. Efforts were made to contact § 87(2)(b) the sick employee, whose contact information was available on the aided report, but she did not respond.

Witness Statements

§ 87(2)(b)'s wife, § 87(2)(b) was contacted at the restaurant on February 2, 2001, and gave an account somewhat similar to her husband's story (Enc. 7). One significant discrepancy was that she did not hear PO Abrams say, "Uniformed or not, you people are all the same," even though § 87(2)(b) said she was staying close by. Contrary to her husband's assertion, § 87(2)(b) said that when her husband refused to let the officer into the back to see the patient, the officer left the store. While § 87(2)(b) said that Sgt. Schoonmaker bumped him twice, § 87(2)(b) said the sergeant bumped her husband only once; later in the interview she characterized the contact as a "punch." She thought he was not wearing any part of his corrections uniform. She did not hear Sgt. Schoonmaker ask for § 87(2)(b)'s gun. The rest of her story was consistent with § 87(2)(b)'s. She said that when PO Abrams came into the store he asked what the problem was and referred several times to § 87(2)(b) as "my man." After her husband called 911 to request a supervisor, Sgt. Schoonmaker arrived, walked up to § 87(2)(b) bumped his chest into § 87(2)(b)'s shoulder, and asked him why § 87(2)(b) hadn't let his officer in. While § 87(2)(b) waited on a few customers (none of whose names she knew), Sgt. Schoonmaker loudly asked § 87(2)(b) if he was a corrections officer, and the EMTs asked the two men to quiet down. The sergeant then asked to see § 87(2)(b)'s shield and ID card. When § 87(2)(b) refused, saying he had done nothing wrong, Sgt. Schoonmaker threatened to arrest him. The men continued to argue for about fifteen minutes. At some point during that time, Sgt. Schoonmaker placed a call on a cell phone. When he got off, he said he was going to arrest § 87(2)(b) because he hadn't let the first officer in the back. Around this time, PO Abrams came back in the store and was ordered out by Sgt. Schoonmaker. After EMS left with the sick employee, a second sergeant (Sgt. Dorst) arrived. Once § 87(2)(b) explained what had happened, the sergeant said that Sgt. Schoonmaker hadn't handled the situation correctly and that no one would be arrested. § 87(2)(b) denied hearing any conversation about summonses issued to her husband.

On February 22, 2001, § 87(2)(b) (Enc. 8), one of the two paramedics from § 87(2)(b) Hospital who treated § 87(2)(b) was interviewed. He remembered officers being present but could not describe them. He described the layout of the restaurant and recalled that there was a light-headed woman

sitting in a chair in the back of the restaurant, whom he interviewed. He heard no yelling at any point and did not ask for quiet. Likewise, his partner § 87(2)(b) said in a May 8, 2001, interview (Enc. 9) that while he remembered the job, he recalled no officers yelling or any other unusual noise in the restaurant. Neither paramedic saw an officer push anyone or heard the alleged comments.

Officer Statements

In a January 22, 2001, CCRB interview (Enc. 15), PO Abrams said that on the evening of October 4, 2000, he was his foot post on § 87(2)(b) when a call came about an unconscious woman in the back of a store. He walked a block or two north on § 87(2)(b) to the store, § 87(2)(b) and into the store, where two or three people were working behind a glass partition to his right. PO Abrams explained to a man behind the glass that he'd gotten a call over his radio about an unconscious person in the back. PO Abrams said he did not call the man (who he learned was § 87(2)(b) "my man." § 87(2)(b) said he had reported the sick employee but didn't want PO Abrams in the store. "I don't want you here. Get out," said § 87(2)(b) adding that he had seen PO Abrams out on his foot post all night and "obviously you're in some kind of trouble." PO Abrams said he was sorry but he needed to see the employee because he'd gotten the call. § 87(2)(b) said he'd called an ambulance, not the police; repeated that he didn't want the officer there; and ordered him out of the store. PO Abrams said again that he was sorry and explained that when an ambulance is called, the police respond as well. He said he needed to investigate and see the sick woman. § 87(2)(b) said he didn't care and ordered the officer to leave, so PO Abrams left the store and called for his sergeant. He had been in the store about 30 seconds to a minute. Shortly, Sgt. Schoonmaker arrived, around the time that EMS and the fire department showed up, with his driver, PO Pamela Lucci. While PO Lucci remained in the car, two EMTs and two firemen went into the store. After PO Abrams had explained what had happened with § 87(2)(b) Sgt. Schoonmaker went into the store as PO Abrams remained outside.

A few minutes later, the sergeant came back outside and instructed PO Abrams to go inside and interview the aided. He went inside, took pedigree information from the woman, and filled out an aided card. He saw § 87(2)(b) behind the glass in the front of the store but did not speak to him. He did not hear any conversation between Sgt. Schoonmaker and § 87(2)(b). He did not hear Sgt. Schoonmaker saying anything to § 87(2)(b) about an arrest. After he had completed the aided card, PO Abrams went back outside. Sgt. Schoonmaker came outside as well and asked if PO Abrams had given the owner a summons. (At that point, PO Abrams realized that he recognized the man because about four hours before, he had issued a summons to a car near the front of the location. The car was parked in a meter spot that only allows one-hour parking. The owner had come out and had said angrily, "I know how this works." PO Abrams did not remember him asking to change any information on the tickets. PO Abrams had just looked at him and placed the summons on the windshield. He gave the car a second summons about an hour and a half after that. PO Abrams said he'd issued about ten tickets that night.) Shortly after Sgt. Schoonmaker went back into the store, Sgt. Dorst arrived and went inside. PO Abrams did not know when or why Sgt. Dorst had been called. After a few minutes, both sergeants left the store, and PO Abrams returned to the precinct. PO Abrams only learned after the incident that § 87(2)(b) was a corrections officer. He denied saying anything like "Uniformed or not, you people are all the same." He saw no officer make physical contact with § 87(2)(b).

In his January 19, 2001, interview (Enc. 11), Sgt. Schoonmaker said that around 8:00 PM he received a transmission from Central that a foot post officer had requested his presence at § 87(2)(b). He was driven to the location by PO Lucci, who remained in the car because it was double-parked. PO Abrams met the sergeant on the sidewalk and said that a man who'd identified himself as the owner of the restaurant had barred him from going into the back of the restaurant to check on the aided. About that time, an ambulance and fire truck arrived, and Sgt. Schoonmaker followed several firemen and EMTs into the store. PO Abrams stayed outside. As the sergeant walked toward the back of the store, a man in a uniform, whom he soon learned was § 87(2)(b) asked Sgt. Schoonmaker if he had a minute. The sergeant said he'd be right back and continued past the man. He made no physical contact with him, had no conversation beyond the described exchange, and said nothing like "I did that to see what you'd do." In the back, Sgt. Schoonmaker saw a young black woman hunched over in a chair. She said she was pregnant and having trouble breathing. He asked her if she'd been assaulted—which could have explained why § 87(2)(b) hadn't let PO Abrams in—and she said she hadn't. Seeing that the situation was not too serious, the

firefighters left, and Sgt. Schoonmaker went back into the restaurant. § 87(2)(b) explained that he had called for a supervisor and that he hadn't let PO Abrams in because he was scaring off customers by writing summonses for customers' cars, potential customers' cars, and § 87(2)(b)'s own car. § 87(2)(b) explained that he was a corrections officer and asked if Sgt. Schoonmaker could "take care of" the tickets because he knew a lot of people at the precinct. The sergeant said he was sorry but § 87(2)(b) would have to go to traffic court for the tickets. § 87(2)(b) then said that he had called an ambulance and not the police. Sgt. Schoonmaker told him that officers respond whenever an ambulance is called, in case someone has been assaulted, and added that if someone had assaulted the worker, that person could be arrested. "Arrested!" exclaimed § 87(2)(b). "What do you mean arrested? I didn't assault her." Sgt. Schoonmaker said he was only speaking theoretically. Feeling overwhelmed by § 87(2)(b)'s questions and demands, Sgt. Schoonmaker called for Sgt. Dorst for support. He said that he did not ask for § 87(2)(b)'s Corrections ID or gun at any point during their conversation. About five minutes after Sgt. Schoonmaker's call, Sgt. Dorst arrived, listened to Sgt. Schoonmaker's account of what had transpired, and suggested that Sgt. Schoonmaker wait outside the store, which he did. Sgt. Dorst remained for five or ten minutes inside.

In his January 19, 2001, interview (Enc. 13), Sgt. Dorst said that around 10:00 PM, he received a call from Sgt. Schoonmaker requesting his presence. With PO § 87(2)(b) Sgt. Dorst went to the address on § 87(2)(b) which was in a row of stores familiar to Sgt. Dorst. No ambulance or fire truck was parked in front. Sgt. Schoonmaker met Sgt. Dorst just inside the store's door and explained he was there on an aided case and that the male owner of the store had said he knew some people at the precinct. He asked if Sgt. Dorst knew the man and added that the man had said he'd gotten some parking tickets from a foot officer, whom he hadn't allowed to check on the aided case. When Sgt. Dorst asked him where the aided case was, Sgt. Schoonmaker said she'd already been taken to the hospital. Sgt. Dorst told Sgt. Schoonmaker he didn't know § 87(2)(b) very well, but that they had exchanged waves through the window of the store. Sgt. Dorst then approached § 87(2)(b) who was wearing uniform pants and explained that he was a corrections officer. After the two had moved into the kitchen area, § 87(2)(b) told Sgt. Dorst that his car had been parked out front and an officer on foot had issued the car two summonses. § 87(2)(b) said he had asked the officer if he could show some "professional courtesy" and "do something" about the tickets but the officer had just laughed and walked away. Although Sgt. Dorst told § 87(2)(b) that officers couldn't change tickets, he persisted, asking Sgt. Dorst if he couldn't change one of the numbers on the plate number. Sgt. Dorst said he could not and asked why the officers and EMS had come. § 87(2)(b) explained that he had called 911 because one of his employees was sick. After the call, the same officer who had issued the summonses then came into the store. When § 87(2)(b) said he had not wanted him to come in, Sgt. Dorst asked why not. § 87(2)(b) said that since the officer hadn't extended him any courtesy, he wasn't going to show him any. Sgt. Dorst asked § 87(2)(b) if he understood that when one dials 911 for an ambulance, the police must come. § 87(2)(b) said that in fact he did not. After Sgt. Dorst explained the policy a bit further, § 87(2)(b) said he understood but added that he needed to be shown respect on the street because of his store and because he was a corrections officer. Sgt. Dorst asked if there was anything else wrong, and § 87(2)(b) said "just the tickets." Sgt. Dorst told him he'd have to send those in as usual. They then shook hands after the approximately five-minute conversation, and Sgt. Dorst left. During the conversation Sgt. Schoonmaker was either in the very front of the store or outside.

Because the evidence shows that PO Lucci and PO § 87(2)(b) remained outside of the store, it was deemed unnecessary to interview them.

Police Documents

The aided report (Enc. 18) for § 87(2)(b) indicates that she was treated at 8:00 PM on October 4, 2000, inside of § 87(2)(b) by EMS #§ 87(2)(b) after stating that she had fainted and transported to § 87(2)(b) Hospital.

On October 4, 2001 two parking summonses were issued by PO Abrams to plate § 87(2)(b) (b) § 87(2)(b)'s car at § 87(2)(b) (Enc. 16). One summons was issued at 4:10 PM for parking at an expired meter. The second summons was issued at 5:30 PM for parking at the same expired meter. It is noted that the vehicle was first observed at 4:10 PM. According to the Department of Finance, both tickets were paid on November 23, 2001.

§ 87(2)(b), § 87(2)(g)
[Redacted text block]

Allegation B: Sgt. Michael Schoonmaker used physical force against § 87(2)(b) § 87(2)(b), § 87(2)(g)
[Redacted text block]

Allegation C: Sgt. Michael Schoonmaker threatened to arrest § 87(2)(b) § 87(2)(b), § 87(2)(g)
[Redacted text block]

Investigator: Rachel Brash

Date:

Supervisor: Karen Cherrington

Date:

Reviewed by: John Cipriano

Date:

Reviewed by:

Date: